



SOUTHERN PARK COUNTY FIRE PROTECTION DISTRICT
Minutes for January 2, 2014 Public Board Meeting

1. **Visitors and Attendees:** Visitors present are Linda Parrish, Dave Northrop, Gerry Maguire, Judy Eden, Steve Erick, Jim Tubbs, Elisa Simpson, Harlan Long, Barney Mason and Jim Smith. Board members present are Amy Mason, Anita Long, Flip Boettcher, Harry Gintzer and Secretary to the Board Roberta Smith. Department members present are Chief Simpson, Aaron Mandel, Mike Parrish, Gordon Scott, Gene Stanley, John Stride and Kathy Mikesell. Auxiliary members present are Doug Schellenger, Mike Brandt and Don Cole.
2. **Call to Order:** Meeting called to order at 7:03PM by Chairwoman Amy Mason.
3. **Approval of Agenda:** Amy Mason states she would like to add a new item to the Agenda. Anita Long motions to add a new #5 Agenda item to discuss the Fire Chief's position. Harry Gintzer seconds the motion. No further discussion. Vote is unanimous. The Agenda will so be amended.
4. **Approval of Minutes from the Dec. 19th Special Board Meeting:** The spelling of Paul Mattson's name is in question. The correct spelling is Mattson. Flip Boettcher motions to approve the minutes as submitted and Harry Gintzer seconds the motion. Vote is unanimous.
5. **Discussion of the Fire Chief's Position:** Chairwoman Mason addresses Mike Simpson, "Mike since this is a personnel issue you have the choice for this item to be discussed under an executive session. Do you want to have this discussion in executive session?" Mike Simpson states, "We can have it open." Amy continues with the statement, "The past seven months by having made multiple attempts on both of our parts, disappointedly, we have continued to have a great deal of serious concerns. This morning after our Board/employee hearing you heard our concerns. We understand and hear your frustration with this position and situations we addressed are also very high. It's time to report that this agreement no longer seems to be working." Anita Long moves that the SPCFPD Board of Directors terminate Mike Simpson's employment as Fire Chief effective immediately. Additionally, that he be paid his current salary through 1/31/2014 along with all vacation and leave due him. That the districts pay his health insurance through 1/31/2014 (before implementing COBRA if he elects to continue paying his own premium). That he return all keys and District property, including his VISA card tonight. That all remaining department equipment be returned by the end of the business day tomorrow. Amy states this motion is open to discussion. No discussion ensued. The vote is three in favor and one opposed. The motion is passed. Chairwoman Mason addresses Mike Simpson that his termination is effective immediately. Visitor Jim Tubbs asks if this termination is for cause. Mike Simpson states he would like to request a hearing at this meeting. He states he has been accused of doing things that others were also responsible for. Mike further complains that Flip

Boettcher submitted a letter to the Board in October which he states was not shared at the public Board meeting. Mike further asserts that the letter was slanderous and defamed his character with no substantiation of names, dates or times. Mike complains that electronic communication with three or four members constitute a public meeting and therefore should have been made public. Amy responds that any emails between Board members will be attached to the minutes. Chairwoman Mason states to Mike that his termination is due to poor performance as listed below:

- a) Poor communication with the Board of Directors.
- b) Poor communication with co-workers and volunteers.
- c) Continued conflicts regarding communication with Dispatch of Park County.
- d) Neglecting to carry out responsibilities by maintaining the necessary life saving equipment on our ambulances.
- e) Lack of adequate attention to administrative details.
- f) Lack of follow through regarding specific requests by the Board or the Board Chair.
- g) Failure to perform Fire Chief's duties to the satisfaction of the Board.
- h) These performance issues raise concerns about the safety of patients as well as the safety of the volunteers.
- i) You were issued warnings and this Board has granted bi-monthly meetings in an Attempt to improve these areas of your performance.
- j) Despite months of discussion with the Board and multiple incidents resulting in potential jeopardy of patients and the Department the Board feels you are failing to perform the duties of this position.

Recess: Chairwoman Mason announces a recess at 7:12PM.

Reconvenes: Meeting reconvenes at 7:33PM .by Chairwoman.

Appointment of Acting Fire Chief: Flip Boettcher motions to appoint Aaron Mandel as Acting Fire Chief effective immediately with the same salary and benefits (including group health insurance) as was paid to Chief Simpson and Anita Long seconds the motion. Vote is unanimous.

Special Board Meeting: Amy Mason motions to establish a Special Board Meeting on January 9, 2014 at 7:00PM in order to ensure a smooth transition, clarification of duties of Acting Fire Chief; discussion and review of job descriptions for Fire Chief, Deputy Fire Chief and Wildland Fire Coordinator; and the creation of a new Fire Chief Search Committee. Flip Boettcher seconds the motion. Vote is unanimous. Motion is approved.

6. **Treasurer's Report (See Report):** Anita Long, Treasurer reported on highlights of December 2013 Treasurer's Report. In addition to the full report for December Anita has also included a Profit and Loss Statement by month for the entire fiscal year of 2013. Additionally, the last page of the report is the Approved Budget for 2014 updated with yearend 2013 actual data. The opening checking account balance on December 1, 2013 was \$3,701.87 Items of note are check for \$1,203.31 to Park County Road and Bridge for fuel usage of 115.7 gallons unleaded and 228.9 diesel. A check to Pinnacol Assurance was paid

for the amount of \$8,819.26 for estimated Workman's Comp insurance for the 1099 Wildland responders. Checks #7318-7321 on 12/31/2013 to State/Federal agencies for yearend payroll related taxes. \$178.75 of check #7317 (issued to VISA) is for meals and lodging at Keystone conference which should be covered by a grant. Month end checking account balance was \$11,199.15. Total General Fund at December 31st was \$131,938.78. Capital Reserve Fund is \$40,000. All cash \$171,938.78. Payment of Payroll liabilities and Workmen's Comp Insurance reduces all liabilities to zero. YTD Income for 2013 is \$221,145 which is \$24,118 more than budgeted. YTD Expenses are \$160,711 which is \$36,316 less than budgeted. Net Income is \$60,434 which \$60,434 better than budgeted. Capital Outlays are \$15,721 over budget less \$3000 grants received. Donations, Grants, Service Income, District Tax and Interest Income are all higher than budgeted. Gain/Loss on Sale of Assets is \$2,965 less than budgeted. (\$1,205 cash received vs. -\$4,717 write off of old #962). Expenses are over budget in 5 categories: Advertising/Public Notices, Insurance, Office Supplies, Postage and Professional Fees. Expenses are under budget in ten categories: Fire Fighting Supplies, Medical Supplies, Miscellaneous, Newsletter, Payroll, Training Supplies, Training, Utilities and Vehicle Fuels. QuickBooks Non Profit 2014 was purchased for \$280. We should not have to update again until late 2016. Anita mailed 53 inclusion letters to "new owners" of 0004 properties (2 of which have been returned by Post Office). W-2's and 1099's will be submitted within the next few weeks. Anita will be having the Audit Meeting within the next two weeks. Anita states Audit Committee goes through all the invoices, bills, banking payroll i.e. a review of everything that is done so that the Audit Committee is comfortable that the books are being done properly. They present ideas in which to improve as well as looking for any errors. The Committee consists of two Board members who are Harry and Anita and two community members which has been Mary Ann Melvin and Jack Lawrence. Anyone who might be interested in being part of the Audit Committee please contact Anita.

7. New Business:

Policy Review 020 and 080: Item tabled until January 16, Special Board Meeting.

Board Communication: Amy Mason shared a Christmas card from Barb Felton. The other was an email from Rob a Fire Fighter from Michigan who self funds a service teaching kids about fire safety and fire fighters. He is trying to find Fire Patches and Emblems from different Fire Departments across the US and Canada for display boards for the kids to view. He would like to request a new or used patch from our service. Aaron Mandel will take care of this matter.

Calendar of Statutory Regulations: Harry Gintzer has agreed to take on this function. All Statutory Regulations are currently up to date. There may be an item coming up at the end of this month.

Resolution: Amy Mason read the Resolution to Designate "Official" Posting Places for 2014. The "official" agenda posting places for the District will be Fire Station #1, Guffey Library, Guffey Post Office and The District's website: www.guffeyfire.net. Anita Long

motions to accept the Resolution as submitted and Harry Gintzer seconds the motion. Vote is unanimous.

SPCFPD Director Appointment: Pursuant to CRS 32-1-905 the SPCFPD Board of Directors appoints the eligible electorate to fill a vacancy on the Board. His name is Gene Stanley and his mailing address is P.O. Box 203, Guffey, CO 80820. This appointment will expire at the next regular election in May of 2014. Amy Mason motions to accept the appointment and Anita Long seconds the motion. Discussion follows. Gene was asked if he wants the appointment. Gene responds in the affirmative. Harry reiterates that all appointments are only until May 2014. Vote is unanimous. The motion passes. The oath will be given to Gene at the Special Board Meeting on January 9. Anita announces the deadline for self nominations is February 28. The information is on the web site on the transparency notice.

Update our Bylaws SPCFPD, BOD, ARTICLE VI, VACANCIES: A discrepancy was found between state laws and our bylaws regarding the time allowed to fill a vacancy by appointment (30 days versus 60 days). Amy Mason reads the amendment. Amy motions to accept the ART VI Vacancies Update as submitted and Anita seconds the motion. Vote is unanimous.

Board Communication with the Chief: Tabled until Special Board Meeting on January 9, 2014.

8. Old Business:

Chief's Report: Board reviewed the report submitted by Mike Simpson. Aaron has read it and states he will not be adding to the report.

Ambulance and Equipment: Tabled until next meeting.

Community Education: Tabled until next meeting.

Inactive Members: Anita states she will need the date volunteers come back from inactive status for workman's comp issues. She states that technically this is not an issue with Pinnacle just as long as we report accurately. Aaron will report the inactive status on a monthly basis with a star next to the volunteer's name of the Department Roster. Harry Gintzer noted that there is a policy that identifies minimum hours of training to retain active status.

Volunteer Appreciation Dinner: Amy states there was a question on the vegetarian Rocky Burger for \$25 and if there could be a replacement with the Portabella Burger. According to the restaurant the \$25, is a flat price regardless of what is ordered as per Mike Simpson. Amy read the motion from the December 19th meeting regarding the T-shirt bundles. A delayed vote called for the motion that was made and seconded at the December 19th meeting to purchase the 24 T-shirt bundles at a cost of approx \$800. The vote is unanimous. Motion

passes. Mike Brandt with the Auxiliary states the Aux cannot contribute to the purchase of the T-shirt bundles.

Wildland Fire Coordinator Report: Aaron reports that Bill Meyerhof at the State has reported that only 25% of the Flood billings have been processed. Meyerhof has not reviewed our Department's Flood billings yet. Aaron states there will be a Prescribed Fire Council Meeting coming up at the Wild Fire Academy which he plans to attend. This will be our chance to provide input into the State laws regarding Prescribed Fires. It is Aaron's understanding that the State plan has been approved. SPCFPD will be able to have a Prescribed Fire Program doing pile burns and Fuel Reduction. States legislation is moving more quickly than anticipated.

Auxiliary Report: Mike Brandt reports that the Christmas party went well and a special thanks to Santa and the Elves. Rehab activities Saturday night last week after an accident and a couple of EMS calls. Fed the Aux on the meeting of Dec. 10th. Sent flowers to Sadie Kubick while in the hospital. An Aux meeting is scheduled for January 10th for elections. Amy requests a current Aux Roster.

Newsletter Update: Anita reports that Rita is still completing the Newsletter but will submit to Anita prior to Jan, 10th because she is leaving for training on Jan. 11th.

FCC relicensing October 2014: Dave Baysinger will be responsible for this item.

Upcoming Inter-agency agreements workshop: Upcoming inter-agency agreements workshop with South Park Ambulance, Cripple Creek Ambulance and Ute Pass Ambulance will be held on January 16th at 9:00AM. There will be a Special Board Meeting at 8:00AM prior to the inter-agency workshop.

9. Public Input:

Jim Tubbs states he is concerned as a citizen and taxpayer of Park County. He asks if the Chief was counseled and asks if the reason he was terminated is public knowledge. He states this is a total shock to him. Amy Mason states the Board has been having bi monthly meetings with Mike Simpson since September 2013 regarding the Board concerns and has discussed these concerns with Mike on numerous occasions and discussed these concerns with Mike again this morning. Amy Mason read the listing of the problems the Board had with Mike at this meeting. Amy states it has been a difficult decision and the Board feels it is in the best interest of the District. Mike Simpson asked if all the Board members were included in this conversation. Harry Gintzer states he was involved individually earlier today. Jim Tubbs asked if anything is going to change this and Amy answers no it will not change.

Gordon Scott will bring in all his equipment tomorrow morning and he states he will have nothing further to do with this organization. He states the disgrace and the dysfunction of this Board have placed this community in great jeopardy. He states he expects a check for the balance of his PEP points. At Doug Schellenger's earliest convenience he would like the

Repeater removed from his property. Gordon will bill for the power he has been paying for since the Repeater was installed. He states that if the Board cannot support Chief Simpson Gordon does not think that the Board has his interest at heart either. He requests that no attempt to contact him be made.

Gerry Maguire states it appears that this Board contradicts itself. States Amy Mason submitted a draft regarding Chief Simpson's new contract and three weeks later he is dumped unceremoniously. Also, he inquires why Mike is expected to get his EMT B Certification when the Board knows in three weeks they want to get rid of him. Gerry comments he thinks the Chief's Report is well done and is good communication. Gerry states he has spent half his adult life in fire houses he has never heard nor ever seen a how a fire fighter can raise her hand to vote to fire the Fire Chief. Twenty minutes later she nominates a new Fire Chief. He states it might be legal with your rules and regulations but it is wrong. Furthermore, he states to bring this man and his wife here from a long way off and uproot their lives and give them a grand total of seven months is without an inkling of respect. To treat Mike as he was treated tonight is nothing short of shameful in his opinion. He also states it was embarrassing for Mike and it was also embarrassing for Gerry. He admonishes that it was shameful and that the Board should all be ashamed of this performance and that was nothing short of disgusting.

Harry Gintzer states that as the only dissenting BOARD member he is aware of all the concerns. Harry thinks this action may be a little premature and a little drastic for the circumstances. He is concerned what it will do to the morale of the Department which we have seen just a piece of it and to the community. and that is why he is he is basically the only opposition and he dissents.

Mike Simpson states he and the Board have discussed on many occasions a lot of pettiness with members of the community and members of this Department. He states these are people who will smile at you and stab you in the back. Instead of people helping and coming to the Chief and having a conversation and talking it was emailed. He further states nothing was ever resolved at these special meetings because nothing came directly to Mike as issues and when they were it was miscommunication fed to the Board by someone else. He thinks instead of having logic and reasoning the Board chose to side with petty, bickering crap and that this is the end result which is shameful. He agrees with Gerry Maguire by stating shame on all of you and how can you look at yourselves in the mirror after doing that?

Amy Mason in preparing to close the meeting reiterates that despite months of discussion with the Board and multiple incidents and at which point Mike responds that the Board never discussed those incidents with him and asks how he can fix something if he doesn't know it is broken. He claims he is told about things that happened six months ago and you are just now talking about it today. He asks if that is fair and he answers no. Amy responds that is not true and that these incidents have resulted in potential jeopardy to patients and the Department and that the Board thinks that Mike is failing to perform the duties of the position.

10. Adjourn: Chairwoman Mason adjourned the meeting at 8:26PM.

